



May 4, 1999

Mr. Raymond D. Martinez
Assistant City Attorney
City of Dallas
2014 Main Street, Room 206
Dallas, Texas 75201

OR99-1220

Dear Mr. Martinez:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 123847.

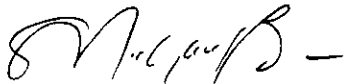
The City of Dallas received a request for information relating to report number 0008323-H. You seek to withhold this information, asserting that it is excepted from public disclosure by section 552.108 of the Government Code and under the common-law right of privacy which is incorporated into section 552.101 of the Government Code. You have not supplied the responsive information for our review.

Pursuant to section 552.301(b), a governmental body is required to submit to this office (1) general written comments stating the reasons why the stated exceptions apply that would allow the information to be withheld, (2) a copy of the written request for information, and (3) a copy of the specific information requested or representative samples, labeled to indicate which exceptions apply to which parts of the documents. Pursuant to section 552.303(c) of the Government Code, this office notified you by facsimile dated March 10, 1999, that you had failed to submit the information required by section 552.301(b), specifically a copy of the requested information. We requested that you provide this information to our office within seven days from the date of receiving the notice. The notice further stated that, under section 552.303(e), failure to comply would result in the legal presumption that the information at issue is public. *See* Open Records Decision No. 497 (1988) (fact that submitting copies for review to Attorney General may be burdensome does not relieve governmental body of responsibility for doing so). As of the date of this letter, you have not

provided our office with the information that was requested. Therefore, as provided by section 552.303(e), the information that is the subject of this request is presumed to be public. In the absence of a demonstration that the information is confidential by law or that other compelling reasons exist as to why the information should not be made public, you must release the information in your possession to the requestor. Open Records Decision No. 195 (1978). *See also* Gov't Code § 552.352 (the distribution of confidential information is a criminal offense).

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael Jay Burns", followed by a horizontal line.

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref: ID# 123847

encl. Submitted documents

cc: Mr. Ray Chancellor
Farmers Insurance Group
Collins Creek Claims Service Center #41
c/o Raymond Martinez
2014 Main Street, Room 206
Dallas, Texas 75201
(w/o enclosures)